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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,919

07/03/2003

Khai Hee Kwan

7891

23336

7590

01/31/2008

KHAI HEE KWAN  
PETI SURAT 1178  
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EXAMINER

ONYEZIA, CHUKS N

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

01/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,919	<b>Applicant(s)</b> KWAN, KHAI HEE	
	<b>Examiner</b> CHUKS ONYEZIA	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. Applicants' amendment and arguments filed on 11/09/2007 have been fully considered, and discussed below. It is noted that, by this amendment claims 1-3, 5-9, 11, and 12, are amended.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner finds applicants recitation of "winner-depositor" to be indefinite. It is not clearly understood if the intent is to define a winner that is also a depositor or to exclude either a winner or a depositor. For the purpose of furthering prosecution, examiner has adopted the latter understanding.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6, 7-9, 12, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Case et al. U.S. Patent Number 5,613,679 (PTO-892 Reference A) in view of Understein U.S. Patent Number 7,092,904 B1 (PTO-892 Reference D).

6. As per claim 1 Case teaches a method for conducting a trusted deposit within at least one network connected to at least one depositor's computer, said method operating on a host computer, comprising the steps:

A) receiving bid amount as a discount from principal from anonymous members of a trusted network wherein said members are depositors (see Case Col. 2 Lns. 35-51) Examiner interprets participants of a lottery as bidder of an auction;

B) selecting the winner from said bids submitted by depositors (see Case Col. 2 Lns. 44-51);

C) excluding said winner-depositor from future auctions  
(see Case Col. 4 Lns. 11-15);

D) depositing pooled funds for winner's account (see Case  
Col. 2 Lns. 48-49);

E) repeating steps A, B, C, D at predetermined intervals  
with remaining depositors; and whereby funds comprising cash  
equivalent or cash (see Case Col. 4 Lns. 11-15).

However Casa does not explicitly teach conducting a deposit  
auction. Understein auction requiring deposits accounts from its  
bidders (see Understein Col. 1 Lns 53-58 and Col. 5 Ln 63-Col. 6  
Ln. 11). One of ordinary skill in the arts would have found  
motivation to combine the two teachings for the purpose of  
providing a secure way of extending credit to participants  
while assuring payment (see Understein Col. 1 Lns. 38-44)

7. As per claim 2 Case teaches the limitation of claim 1. Case  
further teaches pooled funds consist funds from each selected  
winner making principal repayment at each predetermined interval  
beginning from the next interval following the winning interval  
(see Case Col. 2 Lns. 35-51).

8. As per claim 3 Case teaches the limitation of claim 1. Case  
further teaches pooled funds consist receiving the discounted  
principal from each remaining depositor not selected as winner  
at each predetermined interval, said discount is equivalent to

the bid amount submitted by selected winner (see Case Col. 2 Lns. 35-51) Examiner interprets the recouping of original investment of a winner as a discounted principal.

9. As per claim 6 Case teaches the limitation of claim 1. Case further teaches said step of repeating at step E is executed until one depositor is remaining or for a fixed number of sessions as agreed by the members at the outset of the auction whereby said number of sessions is no greater than the number of depositors at the outset (see Case Col. 4 Lns. 11-15).

10. Claim sets 7-9,12 and 13-15,18 are rejected using logic similar to that used to reject claim set 1-3,6.

11. Claims 19 and 20 are rejected using logic similar to that used to reject claims 1 and 6 respectively.

12. Claims 4,5,10,11,16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Case et al. U.S. Patent Number 5,613,679 (PTO-892 Reference A) in view of Kou et al. U.S. Patent 6,363,365 B1 (PTO-892 Reference B) and Understein U.S. Patent Number 7,092,904 B1 (PTO-892 Reference D).

13. As per claim 4 Case teaches the limitation of claim 1. However Case does not teach membership of a depositor network is by invitation only. Understein teaches offering a bidder the ability to bid (see Understien Col. 1 Lns. 55-58). Also, Kou teaches bidding by invitation (see Kou Col. 4 Lns. 34-51). One

would find the motivation to combine these teachings in this way, for the purpose of securing the auction network (see Kou Col. 1 Lns. 5-8).

14. As per claim 5 Case teaches the limitation of claim 1. Kou further teaches said networks are linked for deposit auction by invitation from at least one member of one network having relationship with at least one member of the target link network (see Kou Col. 4 Lns. 34-51).

15. Claims 10 and 16 are rejected using logic similar to that used to reject claim 4.

16. Claims 11 and 17 are rejected using logic similar to that used to reject claim 5.

### ***Response to Arguments***

17. Applicant's arguments, filed 11/09/2007, with respect to the rejections of claims 1-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection are made in view of new prior art sited.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Robinson Patent Publication No. 2001/0054001 A1 (PTO-892 Reference C) Teaches that an auction employing random selection as a method of determining a winner.

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Onyezia 01/18/2008  
/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691